REMARKS/ARGUMENTS

This Amendment and the following remarks are intended to fully respond to the Office Action dated March 25, 2005. In that Office Action claims 2-18 were examined, and all claims were rejected. More specifically, claims 3-5, 7, 8, and 10-18 have been objected to because of informalities; claims 15, 16 and 17 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; claims 2, 4-6, 8-11, 13 and 14 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; claims 2-13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Treyz et al. (USPN 6,587,835); claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Treyz et al. in view of Wies et al. (USPN 6,125,385); claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Treyz et al. in view of Zimmers et al. (USPN 6,816,878); and claims 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Treyz in view of Shetty et al. (USPN 5,808,907).

In this Response, claims 6-18 have been amended; new claims 19-25 have been added; and claims 2-5 have been canceled.

Claim Objections

Claims 3-5, 7, 8, and 10-18 have been objected to because of informalities. These informalities have been corrected or rendered moot due to the cancellation of claims 2-5. The Applicant thanks the Examiner for thoroughly reviewing the claims.

Claim Rejections – 35 U.S.C. § 112

Claims 15, 16 and 17 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Even though adequate bases for these claim can be found in the specification, the Applicant has chosen to amend claims 15 and 17 to alleviate this objection. Regarding claim 16, the Applicant respectfully submits that claim 16 adds no new matter. Page 18, lines 1-9 describe different event notifications being associated with different profiles, and profiles being associated with particular appointments. It can be reasonably inferred by one skilled in the art that the profile associated with a particular

appointment could be considered a currently selected profile for that event, and if another profile were selected, the user may be notified in a different way.

Claims 2, 4-6, 8-11, 13 and 14 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 2-5 have been cancelled, rendering these rejections moot.

Regarding claim 6, antecedent basis for "the notification events" can be found earlier in claim 6 at "storing two or more profiles of notification events...." Furthermore, antecedent basis for "the stored profiles" can be found earlier in claim 6 at "storing two or more profiles...."

Claims 6, 9, 13, and 14, have also been amended to improve their form, and the Applicant now believes the § 112 rejections have been obviated and believes these claims to be in condition for allowance.

Regarding claim 8, antecedent basis for "the selection signal" can be found in claim 6 at "receiving a selection signal to select one notification mode."

Regarding claims 10 and 11, antecedent basis for "the notification event " can be found in claim 9 at "a first output device notifying the user of a notification event using a first notification type."

Regarding claims 13 and 14, these claims have been amended to address the informalities noted by the Examiner.

Prior to addressing the merits of the rejections to claims 6-18 in view of Treyz, Wies, Zimmers, and Shetty, it is helpful to briefly describe the teachings of these references that the Examiner is relying on as the basis for maintaining these rejections.

Treyz et al.

The Treyz reference is directed to a handheld system used to provide a shopper with shopping assistance services. Services, such as promotional product advertisements, are sent to the shopper based on the location of the device, and other services used by the shopper. The shopper may filter out certain types of messages.

Wies et al.

The Wies reference is directed to force feedback being provided to a user of a client computer receiving information, such as a web page, over a network from a server machine. The client machine has a force feedback interface device through which the user experiences physical force feedback. The feedback is correlated to web page objects by a force feedback program running on the client and based on input information from the interface device, web page objects, and the force feedback information. Generic force effects can be provided, which are applied uniformly at the client machine to all web page objects of a particular type as defined by user preferences at the client machine. Force feedback in the form of sounds can be associated with web objects and web events.

Zimmers et al.

The Zimmers reference is directed to an alert notification system, similar to a reverse-911 system, where tailored alerts are sent to individuals or groups, as opposed to a more broad-based alert such as a radio broadcast or civil defense sirens. These alerts typically constitute telephone calls or email notices sent to affected citizens, alerting them of crises such as a tornado warning or a chemical spill in their neighborhood. Zimmers does not describe utilizing multiple profiles (e.g., different telephone ring tones) to notify users that a certain telephone call contains an alert message, nor does Zimmer alter the notification based on the "environment" of the user. Rather, Zimmers simply solves the problem of alerting users to a crisis using a personalized method that is difficult to ignore (e.g., a phone call), as opposed to more conventional means such as radio broadcasts that will not be heard by people who are sleeping or who are not tuned to the proper radio channel.

Shetty et al.

The Shetty reference is directed to a system for providing information from onboard sensors of heavy construction equipment, such as earth scrapers, to allow for remote monitoring of the equipment. The system allows for monitoring of complex machinery by remote personnel (e.g., supervisors or owners of the expensive machinery) since the operator may be too busy (or may simply be unmotivated) to adequately monitor the on-board gauges or sensor displays. The system provides for sending alert notices to remote monitors when the sensor information meets

8

a predetermined threshold (i.e., when the sensors indicate a potential problem or the need for maintenance on the machinery). The patent also describes the use of multiple "profiles" or sets of sensor conditions so that one remote monitor may receive different notifications for different combinations of sensor readings (or for sensor readings from different machines).

Claim Rejections – 35 U.S.C. § 102

Claims 2-13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Treyz et al. (USPN 6,587,835). As to claim 2-5, they have been cancelled, thereby obviating the rejections to these claims. Regarding independent claim 6, 9 and 19, the Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. § 102(e), on the grounds that Treyz does not anticipate the present invention because it does not disclose, explicitly or implicitly, each and every limitation of the pending claims. More specifically, Treyz does not disclose "storing two or more profiles of notification events for each of one or more users in the memory of the small computer device," nor "a memory unit storing a plurality of profiles for each of one or more users, the profile relating notification events with notification types," nor selection of a profile based on the user's present environment.

As defined in the claims, embodiments of the present invention use "profiles" to control the way in which a notification is presented to the user. As a result, any one particular user must have a plurality of profiles. A particular profile is typically selected based on the current environment. That is, the level of volume for the notification may change, the brightness of the light notification may change, and/or the amount of nature of the vibration may change. Each mode (e.g., work, meeting, lunch, home, etc.) can have a different set of notification behaviors for an event, such as a notification of a meeting. As a result, a user may be notified of an event, such as a meeting, in many different ways depending on the currently selected profile. Moreover, as in some claims, the profile may automatically change based on the user's environment, as defined by a calendar program (i.e., the calendar program may be used to drive the profile selection, in place of manual control by the user).

Treyz does not disclose or teach user profiles as in the present application, and in fact is focused on solving an entirely different problem. Treyz uses a filter to identify retail shopping events the user is to be notified of, and defines a single set of notification behavior settings for said events. Each user has a single shopping list and notification filter, and a plurality of such

9

filters may exist insomuch that a plurality of users may use the same device. Each event, however, has its own, single mapping to a notification type. What Treyz refers to as a "profile" consists of its filter and a single list of mappings to events, and selection of a "profile" is based purely upon the identity of the current user.

With these differences in mind it will become clear as discussed below how the claims differ from the Treyz reference.

Under 35 U.S.C. § 102, a reference must show or describe each and every element claimed in order to anticipate the claims. *Verdegaal Bros. V. Union Oil Co. of California* 814 F.2d 628 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."). Since Treyz does not disclose "storing two or more profiles of notification events for each of one or more users in the memory of the small computer device, wherein the notification events are associated with at least one notification type," Treyz does not disclose profiles as detailed in the present disclosure, let alone a plurality of profiles. Further, Treyz does not disclose more than one profile for each of one or more users, more than one event, or more than one notification type.

In addition to the limitations listed above, Treyz does not disclose associating notification events with different notification types, and so Treyz cannot, as a matter of law, anticipate claim 6. Since claims 7-8 depend directly or indirectly from claim 6 such that those claims should also be allowed over Treyz, reconsideration of the § 102 rejections of claims 6-8 is respectfully requested.

Likewise, Treyz does not disclose "a memory unit storing a plurality of profiles for each of one or more users, the profile relating notification events with notification types," and so Treyz cannot, as a matter of law, anticipate claim 9. Since claims 10-13 depend directly or indirectly from claim 9 such that those claims should also be allowed over Treyz, reconsideration of those rejections is respectfully requested.

Claim Rejections – 35 U.S.C. § 103

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Treyz et al. in view of Wies et al. (USPN 6,125,385). Applicant respectfully traverses the § 103 rejections,

as the Examiner has failed to establish a prima facie case of obviousness. In order to establish a prima facie case, the references must show that the cited references teach or suggest each of the elements of the claimed invention (MPEP § 706.02(j) and 2142-43). With respect to the cited references, all elements of claim 14 are neither taught nor suggested.

As previously described, Treyz does not disclose or suggest user profiles as in the present application, and in fact is focused on solving an entirely different problem. Treyz uses a filter to identify retail shopping events the user is to be notified of, and defines a single set of notification behavior settings for said events. Each user has a single shopping list and notification filter, and a plurality of such filters may exist insomuch that a plurality of users may use the same device. Each event, however, has its own, single mapping to a notification type. What Treyz refers to as a "profile" consists of its filter and a single list of mappings to events, and selection of a "profile" is based purely upon the identity of the current user.

In contrast, Wies describes generic force effects being provided, which are applied uniformly at a client machine to all web page objects of a particular type as defined by user preferences at the client machine.

The combination of Treyz and Wies simply does not teach or suggest each of the elements of the claimed invention. Neither Treyz nor Wies, alone or in combination, teach or suggest storing two or more profiles of notification events for each of one or more users in the memory of the small computer device, nor selection of a profile based on the user's present environment. Further, neither Treyz nor Wies, alone or in combination, teach or suggest profiles including one or more assignments of a particular sound file to a particular event, as recited in claim 14. The Examiner concedes that "Treyz does not specifically mention about one or more assignments of a particular sound file to a particular event." Furthermore, while Wies enables sounds to be associated with web objects and events, neither Wies nor Treyz teach or suggest the modification of such associations based on the user's present environment. Since the combination of Treyz and Wies does not teach or suggest each of the elements of the claimed invention, reconsideration of the § 103(a) rejection is therefore respectfully requested.

Since the remarks above are believed to distinguish over the applied reference, any remaining arguments supporting the claim rejections are not acquiesced to because they are not addressed herein.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Treyz et al. in view of Zimmers et al. (USPN 6,816,878). Applicant respectfully traverses the § 103 rejections, as the Examiner has failed to establish a prima facie case of obviousness. In order to establish a prima facie case, the references must show that the cited references teach or suggest each of the elements of the claimed invention (MPEP § 706.02(j) and 2142-43). With respect to the cited references, all elements of claim 15 are neither taught nor suggested. Specifically, as outlined above, Treyz does not teach all of the limitations of claim 6, from which claim 15 depends. Additionally, Zimmers merely teaches a notification system where individuals are personally notified by using conventional technology, such as telephones and email. However, because Zimmers is used with the publicly switched telephone network (which does not provide for multiple user profiles), there is no teaching or suggestion within Zimmers to provide for different notification types based on a user's environment. Rather, it is the fact that the user is notified at all that the invention of Zimmer addresses. Indeed, the portion of the Zimmers patent cited in the Office Action (col. 7, lines 5-58) only describes a database system used to tailor the scope of the alert notices and does not describe altering the type of alert issued to a user (much less altering the type of alert based on the location or "environment" of the user, such as one type of alert issued during work hours and another type issued during evening hours). Since the combination of Treyz and Zimmers does not teach or suggest each of the elements of the claimed invention, reconsideration of the § 103(a) rejection is therefore respectfully requested.

Since the remarks above are believed to distinguish over the applied reference, any remaining arguments supporting the claim rejections are not acquiesced to because they are not addressed herein.

Claims 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Treyz in view of Shetty et al. (USPN 5,808,907). Applicant respectfully traverses the § 103 rejections, as the Examiner has failed to establish a prima facie case of obviousness. In order to establish a prima facie case, the references must show that the cited references teach or suggest each of the elements of the claimed invention (MPEP § 706.02(j) and 2142-43). With respect to the cited references, all elements of claims 16-18 are neither taught nor suggested. Specifically, as outlined above, Treyz does not teach all of the limitations of claim 6, from which claims 16-18 depends. While the portion of the Shetty reference cited by the Examiner (col. 2, lines 38-61) describes the use of "profiles," these profiles relate to different events that must occur before a

user notification is triggered. See col. 2, lines 50-52. That is, a user is notified if a certain combination of events is recorded (i.e., predetermined sensor readings on the fleet of machines). The use of multiple "profiles" allows the user to be notified for different combinations of events. However, there is no teaching or suggestion within Shetty to provide different types of notifications depending on the environment of the **user**. Rather, the notifications are based solely on the occurrence of certain events (i.e., sensor readings), as defined in the profile See col. 3, lines 40-43. Since the combination of Treyz and Shetty does not teach or suggest each of the elements of the claimed invention, reconsideration of the § 103(a) rejection is therefore respectfully requested.

Both the Zimmers and Shetty patents relate to non-analogous art since both of these references describe sending user notifications in response to certain predefined events (i.e., a particular crisis, such as a tornado warning, in the case of Zimmers, and certain threshold sensor levels to notify a user of a problem with the operation of heavy equipment in the case of Shetty). Specifically, neither of these supplemental references describe altering the type of notification that is used based on the "environment" of the user. In fact, the presently claimed invention may be beneficially used with either of the described systems since an alert notification provided by either Zimmers or Shetty may be sent to a telephone or a pager, respectively (i.e., a "small computer device" as recited in the pending claims), and the present invention may then be used to alter the type of alert notification (e.g., high volume ring, a flashing light or a vibration) depending on the environment of the user, such as when the user is in a meeting.

In sum, neither Zimmers nor Shetty provide the teaching or suggestion of the elements noted as missing from the Treyz patent. Furthermore, there is no suggestion to combine these non-analogous references with the disclosure of Treyz since both Zimmers and Shetty describe very specific types of notification systems that have no relation to the system described in Treyz. Thus, reconsideration of the § 103 rejections (both as to amended 15-18 and to new claims 19-25 as these references might be applied to those claims) is respectfully requested.

New claims 19-25

Regarding new claims 19-25, new independent claim 19 include similar limitations, such as a small computer device, a first profile of event notifications for a user, wherein at least one notification within the first profile comprises a volume level of a sound played by the small

computer device in response to detection of an event, a second profile of event notifications for the user, and switching from the first profile to the second profile in response to a change in an environment of the user. As described above with respect to independent claims 6 and 9, all of these limitations differentiate new claim 19 from the cited prior art references, thereby making claim 19 allowable. Furthermore, as new dependant claims 20-25 depend from independent claim 19, the Applicant submits they are also allowable and respectfully requests the same.

Since the remarks above are believed to distinguish over the applied references, any remaining arguments supporting the claim rejections are not acquiesced to because they are not addressed herein.
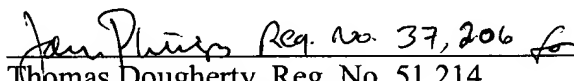
Conclusion

It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Respectfully submitted,

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14